

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Susumu YAMAGUCHI et al.

Application No.: 10/578,254

Confirmation No.: 6745

Filed: February 5, 2007

Art Unit: 1794

For: BODY TASTE IMPROVER COMPRISING  
LONG-CHAIN HIGHLY UNSATURATED  
FATTY ACID AND/OR ESTER

Examiner: L. Williams

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 5, 2010

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08.

II. COPIES

☒ a. Copies of foreign patent documents, non-patent literature and other information.

☐ b. REFERENCES PREVIOUSLY CITED OR SUBMITTED: Copies of any information not provided can be found in one or more of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Application No. and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

☒ a. NON-ENGLISH LANGUAGE DOCUMENTS: A concise explanation of the relevance of all non-English language patents, publications, or other information listed is as follows: KATO et al. was cited in the International Search Report and its relevance can be found in the Written Opinion of the International Searching Authority, a copy of which is attached hereto, in Table 2 on page 77, the fat for compositions of Borage oil and Evening Primrose Oil were summarized as follows:

TABLE 2

	<u>Borage Oil</u>	<u>Evening Primrose Oil</u>
C16:0	9.8 (%)	5.8 (%)
C16:1	0.1	0.1
C18:0	4.1	1.7
C18:1	17.5	13.2
C18:2	37.1	70.3
C18:3	22.0	7.7
<u>(<math>\gamma</math>-linolenic acid)</u>		

USUKI et al. was cited and discussed in the specification of PCT/JP2004/01557 (JP2003-193979), a copy of which is attached hereto contains pages numbered 3 and 4. The "Handbook of Oil Chemistry" contains table 2-11 of fatty acid compositions of aquatic animals which shows that salmon fat contains 1.7% (17,000 ppm) of arachidonic acid (C20:4).

☐ b. ENGLISH LANGUAGE SEARCH REPORT OR FOREIGN PATENT OFFICE COMMUNICATION: An English language version of the search report or Foreign Patent Office communication that indicates the degree of relevance is attached.

☐ c. OTHER: The following additional information is provided.

IV. STATEMENT UNDER 37 C.F.R. § 1.97(e)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 30 days prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information in the IDS were cited in a communication from a foreign patent office. Such items were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. This statement does not relate to English language counterparts not listed in a communication from the foreign patent office. Such English language counterparts are provided to aid the Examiner's consideration of non-English items first cited in the communication from the foreign patent office. As to the remaining items of information, to the knowledge of the person signing the certification after making reasonable inquiry, such remaining items were not

known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

V. FEES

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application or Request for Continued Examination. No fee is required.

☐ b. This Information Disclosure Statement is being filed within three months of the filing date of an application. No fee is required.

☒ c. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits. No fee is required. If a first Office Action on the merits has issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) above. If no statement has been made, charge our deposit account for the required fee.

☐ d. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action or before the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(c)(1)).

☐ No statement. The fee as required by 37 C.F.R. § 1.17(p) is provided.

or

☐ See the above statement. No fee is required.

☐ e. This Information Disclosure Statement is being filed after the mailing date of a Final Office Action or after the mailing date of a Notice of Allowance (see 37 C.F.R. § 1.97(d)), see the statement above. The fee as required by 37 C.F.R. § 1.17(p) is provided.

VI. PAYMENT OF FEES

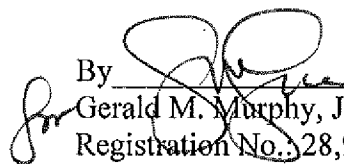
☐ The required fee is listed on the attached Fee Transmittal.

☒ No fee is required.

If the Examiner has any questions concerning this IDS, please contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the USPTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

Dated: August 5, 2010

Respectfully submitted,

By  <sup>#47,604</sup>  
Gerald M. Murphy, Jr.  
Registration No. 28,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(858) 792-8855  
Attorney for Applicant

Attachment(s):

- ☒ PTO/SB/08
- ☒ Documents
- ☐ Foreign Patent Office Communication
- ☒ Foreign Search Report
- ☐ Fee
- ☐ Other: